



Lamoine Board of Selectmen

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Minutes of October 16, 2008

Chair Jo Cooper called the meeting to order at 7:06 PM

Present were: Selectmen Richard Fennelly Jr., Cynthia Donaldson, S. Josephine Cooper, Brett Jones, Administrative Assistant Stu Marckoon, Deputy Code Enforcement Officer Michael Jordan

Public Hearing – General Assistance Ordinance – Jo opened the hearing at 7:07 PM. She asked what the purpose of the hearing was. Stu replied that it was to review the update to the figures used to calculate general assistance eligibility. Brett asked about the source of the figures. Stu reported that Maine Municipal Association gathers the figures from various federal and state data sources. Selectmen asked Stu about reporting on GA cases. He said he'd be glad to make a copy of the monthly report he submits to the state DHHS. Stu reported he saw a spike in cases when Bangor Hydro started sending out disconnect notices last spring.

The hearing closed at 7:12 PM

Jo moved to adopt the changes to the Maine Municipal Association Ordinance. Richard 2nd. **Vote in favor was 4-0.**

Minutes – Richard moved to approve the minutes of October 2, 2008 as presented. Jo 2nd. **Vote in favor was 4-0.**

Richard moved to approve the minutes of October 9, 2008 with one minor correction. Jo 2nd. **Vote in favor was 4-0.**

Expenditure Warrant 8 – Selectmen signed expenditure warrant 8 for \$306,030.74. Stu reported that the school construction warrant was on here, but there was a snafu with the bond counsel and he won't release the check until that is cleared up. A short discussion followed on the town hall renovation which was completed earlier in the week.

Cash & Budget Report – Stu reported that he had corrected the report so that the school capital expenditures are not reported in the operating budget. He said that had skewed the amount of the operational expenditure percentage and the expected cash on hand at the end of the year.

Checking Account Reconciliation – Selectmen signed the form expressing satisfaction with review of the checking account reconciliation of September 30,

2008. There was a brief discussion about lost checks and the Cable TV account.

Bulky Waste Accounts – Stu reported there are four accounts that there is no hope of collecting because the people who owe the money have moved out of town and have not responded to certified mail. Brett asked about the process and the amount of loss. Stu said the accounts have been past due for several years, and over that time there have been several hundred successful collections. He asked if the Board wished to write off those account. Jo said to do that. Cynthia asked about the certified letter process. Stu said he would prepare a write-off order for the next regular meeting.

Right of Way- Stu said he had not heard anything from Mr. Gott's attorney, Michael Ross. He said he would follow up on that tomorrow.

LD 1 Limit – Stu reported that Maine Municipal Association interpreted the LD 1 level to be that approved as an increase at the April 2, 2008 town meeting. A short discussion followed.

Town Hall Renovations – Selectmen Cooper signed the bill copy for AA Randall, and all Selectmen signed a thank-you letter to Randall for a job well done.

Veterans' Memorial – Jo reported the Veterans Memorial Committee met last night. She said they're conducting a 50/50 raffle which will be drawn at the fireman's supper. A short discussion followed on the balance owed. She said there was a question in regard to protecting the monument area and the committee is requesting that cement curbing be installed, one on either side of the walkway.

School Consolidation – Richard asked if there was any date planned for a meeting to delineate the lot. Stu said not yet. He said the fire chief is available late afternoons. There was a brief discussion about the timing, the property layout, and whether it would be done by a surveyor or not. There was a discussion about where to place the line, the proximity of the fire station to the school. It was agreed that Brett would be the point person, and he would arrange a date, and let the rest of the board know. There was a brief discussion about an access easement.

Regional Planning Committee (RPC) Meeting – Cynthia said the RPC had 3 similar requests from Hancock, Otis/Mariaville, and Lamoine in regard to land matters. She said the Hancock matter was tabled. She said Lamoine's was unanimously accepted because the request was to carry forward the deed

restrictions. She said the fire house was not an issue and it has always been understood that it would not be conveyed to the RSU as part of the school lot.

Cynthia reported a flyer is being formulated in advance of the Regional School Unit (RSU) vote. She said the initial draft was good information but is very wordy. She said there are some good newsletters from the other schools, especially Gouldsboro. She said the school committee would like to say the Board of Selectmen supports the plan. A brief discussion of the figures, the projected savings, and the possible penalties stated on the flyer followed. **Cynthia moved to have the Selectmen express support for the RSU plan.** Jo 2nd. Jo asked if this would be helpful. Cynthia said it would. Richard asked which plan the Board would be agreeing with and if the Selectmen have the final version. Stu said the newest plan should have the letter written by the Selectmen in its appendix.

Richard said Education Commissioner Susan Gendron sent a response, and the local RPC took action to comply with her concerns. He asked if the Commissioner has received that reply and accepted those. Cynthia said the Commissioner has. Jo said a resident told her they were agitated with the proposed RSU and did not want Lamoine to be a part of it. She said there is a lot of concern regarding high school choice and class sizes. She asked if the Board approves the motion, is it saying the Selectmen are confident this is OK for Lamoine? Richard said there are degrees to recognize a concern. He said there is a significant financial penalty for the town if the RSU plan is rejected. Jo said there are a lot of unknowns. She said she is willing to vote on this, and she has come to feel more positive about the idea than in the beginning. She said people are reluctant to make some of the changes proposed. She said she was hopeful that this plan would raise opportunities, but there is a concern that it would stifle innovative volunteerism in the local schools because it's a very generic plan. A brief discussion followed regarding volunteerism

There was a brief discussion about the process of approving additional local budget monies. Brett asked if the penalty figures in the flyer presumes the additional costs such as hiring a superintendent should Lamoine reject the RSU. Richard said the flyer shows estimated savings and \$54,000 in avoided penalties. He said there might be some savings down the road. Jo said the RSU will have two high schools and that might mean there is more to offer. She said there is a place for special education students. She said there is a concern from parents that students might not be able to attend MDI High School. A discussion about high school choice followed. Brett said there is a reasonable fear about school choice and more discussion followed, as did a brief discussion about the Hancock County Technical Center.

Selectmen voted in favor of Cynthia's motion to support the RSU plan 4-0.

Cynthia said the process is still discouraging as not everyone understands it and it is hard to explain. Brett asked about the status of the statewide repeal effort. Stu reported that Skip Greenlaw's group planned to submit their signatures tomorrow.

Bloomfield Park Road – Stu said he would contact Kerry Galeaz in regard to getting the project started.

Municipal Review Committee – There was no interest expressed by anyone in regard to serving on the Board of Directors.

Bangor Hydro Flag Display Permits – Stu said Maine Municipal Association had some heartburn about some provisions of the Bangor Hydro Permit. Richard said it should be pretty easy to submit alternate wording to Bangor Hydro. He said the concern is that the liability be limited for the town. Stu said he would try to get that done for the next meeting. There was a brief discussion on how the other towns are reacting to Bangor Hydro's request.

Budget Schedule – Stu reported the Budget Committee had set the first meeting for October 27th and asked if there was any guidance from the Selectmen. Cynthia said she would like to have a budget workshop. Jo asked if the Budget Committee really needs to meet on the 27th. She said she'd like to have a workshop, and they haven't even started on the budget. She suggested that the October 27th meeting be dropped, and if another meeting is needed, that it be added in January. Stu said he would notify the committee that the Selectmen would be ready to start on November 10th.

Other – Brett reported that the bay door for the Anderson Garage was up, and he plans to finish that up on Saturday.

Brett said the culvert on Needles Eye Road is pretty dammed up and that should be taken care of. He said Pinkhams' Flats also has a clogged up culvert that should be addressed before winter.

Brett asked if anyone had taken out nomination papers for the vacant Selectmen's seat. Stu said Jane Fowler had.

Brett asked about a home on Needles Eye Road that has a large pile of scrap wood. Stu said he believes that is their heating supply.

Jo outlined the next meetings as follows:

- a. November 2008 – Meet on 11/6/08, 11/20/08
- b. December 2008 – Meet on 12/4/08, 12/18/08
- c. January 2009 – Meet on 1/8/09, 1/22/09
- d. February 2009 – Meet on 2/5/09, 2/19/09

Code Enforcement Violation – Deputy CEO Michael Jordan said he noticed while he was driving by that he could see the Jordan River where he could not see it before. He said he went to the location and found nearly every single tree had been cut down to the shore. He said that's against the law, and this was located in the subdivision developed by Ronald Simons. He said he called the Maine Forest Service, as they're supposed to cover this for the towns, but they don't do that yet. He said other towns have to approve the new Shoreland Zoning Ordinance by next July before the Forest Service will take on that task. He said the town is responsible for moving the case forward.

Mr. Jordan said he would send a notice of violation to Mr Simons along with a stop work order. Brett said others have done this, and it always ends badly for those who do the cutting. Mr. Jordan said there might be some help from the Department of Environmental Protection if they start digging up stumps. He said the remedy involves reclamation and fines. Jo said the developer had to know it was wrong. Brett said it's a well established law. Richard said when the subdivision was presented, it had to be reviewed, so it shouldn't be a big surprise. Brett asked if property owner is still the responsible party. Mr. Jordan said it depends on who is hired as a cutter. He said he just wanted the Board to know this was coming up as Dennis Ford was out of town this week.

Mr. Jordan said he tried to contact Mr. Simons and went to his store in Hancock, but he was not there. He said he told the cutting crew to stop cutting the trees, but there were no more trees left to cut. He said the area used to be a field several decades ago, and the trees that were cut were pretty much junk wood. Brett said this should be followed by the book. He said there is sometimes a credibility issue on the enforcement side, and while it's unfortunate at times, the law has to be enforced. Richard said he's been involved with several projects that were reviewed for Shoreland Zoning issues and they went through the compliance measures. There was a brief discussion about where the Shoreland starts. Richard said he agreed that the town has to follow the letter of the law.

Returnables – Heating fund – Stu said Richard's mother suggested to him earlier in the day that returnables from the transfer station be cashed in and a heating assistance fund started. Jo said she didn't care where the fund starts, but there should be one. She said maybe donations could be made to the THAW fund through the Washington/Hancock Community Agency. Brett said some sort of signage would be good to have at the transfer station, as various groups pick

up the returnables. Stu said he would talk with Bill Fennelly about how to work that.

Special Town Meeting – December 9, 2008

Selectmen signed the order placing the school consolidation question on the town meeting warrant. The Selectmen signed the town meeting warrant, including that question as well as election of a Selectman to fill the vacant seat. Selectmen signed the public hearing notice setting November 3, 2008 as the hearing on the school consolidation question.

There being no further business, the meeting adjourned at 8:45 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.

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